IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 2210 of 2005

Between:

N. Sulochana, W/o. Srinivas Reddy,
Chetana Educational Society, Parkal, Warangal District.

..... PETITIONER

AND

1 The Deputy Transport Commissioner,
O/o. Regional Transport Authority, Warangal.
2 The Assistant Motor Vehicle Inspector,
O/o. Regional Transport Authority, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in not releasing the Vehicle pending decision about the liability of the petitioner under the impugned Vehicle Check Report dated 18-12-2004 in respect of the petitioner's vehicle bearing No. AP 36 V 5790 as illegal and without jurisdiction and in violation of Articles 14 and 19(1) G of the Constitution of India and consequently direct the respondents to release the vehicle bearing No. AP 36 V 5790 to the petitioner and to pass such other and further order or orders as may be deemed fit.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following ORDER:

ORDER:

(Per the Hon'ble Sri Justice M.H.S.Ansari)

Keeping in view of the nature of relief prayed for, we are inclined to dispose of the instant writ petition with certain appropriate directions.

The vehicle in question was detained pursuant to the Vehicle Check Report dated 18.12.2004 for certain alleged irregularities.

The authority competent to grant interim custody is the first respondent herein and all though there is an averment in paragraph 4 of the affidavit that the petitioner approached the said authority with relevant documents, we find that no copy of any such representation is filed amongst the material papers.

In such view of the matter, the instant writ petition is being disposed of with directions as under:

If the petitioner makes a representation before the first respondent with all relevant documents upon which he relies, the same shall be considered by the first respondent and disposed of in accordance with law within a period of three days from the date of receipt of such representation.

The writ petition accordingly stands disposed of with directions, as above. No costs.

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M.H.S. ANSARI, J

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T.CH.SURYA RAO, J

Date: 10.02.2005

Note: Furnish CC on priority basis

B/o

va

To

1 The Deputy Transport Commissioner,
O/o. Regional Transport Authority, Warangal.
2 The Assistant Motor Vehicle Inspector,
O/o. Regional Transport Authority, Warangal.

3 Two CCs to G.P for Transport, High Court of A.P. Buildings, Hyderabad (OUT)

4 Two CD Copies